

New Mexico Medical Society Legislative Update **February 18, 2015**

Tomorrow marks the half-way point of the 2015 Session and is the last day to introduce new legislation!!!

SB325 (Sen. Stuart Ingle) passed the Senate (2/17) by 37-3 vote and now goes to the House. Stay tuned.

HB259 (Rep. Jim Trujillo) will be heard tomorrow (2/19) in House-Health Committee at 8:30am. This bill would permit a deduction for the gross receipt tax paid by a provider on the deductible paid by a patient.

HB122 (Rep. Terry McMillan MD) will be heard Friday (2/20) in House-Judiciary Committee at 1:30pm. This bill establishes an objective, thorough review process of every scope of practice expansion proposal prior to a bill being filed.

SB376 (Sen. Cisco McSorley) will be heard Friday in Senate-Public Affairs Committee ½ hour after the Senate session closes. This bill significantly expands a chiropractor's scope of practice and prescribing powers and changes the powers of the chiropractic board.

Thank you to all those who have called and emailed your Senators/Representative in support (or against) particular bills. Your communications really make a difference to the law makers.

Please contact NMMS staff at (505) 796-3433 or Randy Marshall at (505) 263-4912 with questions and concerns. Briefing papers are available on the Society's website www.nmms.org or by request to ajung@nmms.org. More information is available at www.nmlegis.gov.

NMMS PRIORITIES

Bill: HB122
Sponsors: McMillan (R37)
Title: SCOPE OF PRACTICE OF HEALTH PROFESSIONS
Summary: (Related to 2014 HB143, HJM9, HM28, SB14, SB58, SB76, SB329) Requires that a member or licensee of a health profession licensing board who seeks a change in the scope of practice shall request a hearing from that board on the matter. The board shall collect data, make a technical assessment of the proposed change and report its analysis, conclusions and recommendations to the New Mexico Legislative Council. The council shall assign the proposed change to a committee for its review and shall report on its assessment, analysis and recommendations to the Legislature.
Status: 02/16/2015 – House Judiciary Committee
Scheduled: 02/20/2015—House Judiciary Committee, 1:30 p.m., Room 309

Bill: HB259
Sponsors: Trujillo, J. (D45)
Title: GROSS RECEIPTS DEDUCTION FOR RECEIPTS OF HEALTH CARE PRACTITIONERS
Summary: Amends the existing deduction for receipts of a health care practitioner from managed care organizations or health care insurers. Removes the restriction that payment be for services rendered within the practitioner's scope of practice. Adds that receipts of the practitioner from deductibles paid by the insuree or enrollee are deductible. Sunsets this deduction January 1, 2021.
Status: 01/29/2015 – House Health Committee
Scheduled: 02/19/2015—House Health Committee, 8:30 a.m., Room 309

Bill: HB416
Sponsors: Gentry (R30)
Title: HEALTH CARE INDUSTRY EXEMPTED FROM EMPLOYEE PRIVACY ACT
Summary: (Nearly identical to SB243, but the operative date is July 1, 2016 rather than July 1, 2015) (Similar to 2014 SB251) Exempts health care practitioners, health care workers and certain nonprofit corporations from the provisions of the Employee Privacy Act, thereby authorizing them on or after July 1, 2016, to refuse to hire an individual who is a smoker.
Status: 02/11/2015 – House Business and Employment Committee

Bill: HM9
Sponsors: Adkins (R29)
Title: HEALTH CARE TRANSITION STUDY FOR SPECIAL NEEDS CHILDREN
Summary: Requests DOH's Children's Medical Services Program and UNM's Center for Development and Disability to convene a task force to study ways to improve the system of health care transition for New Mexico children and youths with special health care needs.
Status: 02/03/2015 – House Health Committee

Bill: SB121
Sponsors: O'Neill (D13); McMillan (R37)
Title: VACCINE PURCHASING ACT
Summary: (For the Legislative Health and Human Services Committee) Cited as the Vaccine Purchasing Act, establishes a statewide universal vaccine purchasing program within the Department of Health. The purpose of the program is to expand and improve rates of childhood immunizations, facilitate acquisition of vaccines by health care providers and leverage funding for purchase, storage and distribution of vaccines for children who are not eligible under the federal Vaccines for Children Program.
Status: 02/06/2015 – Senate Judiciary Committee

Bill: SB189
Sponsors: Beffort (R19)
Title: GOOD SAMARITAN LIABILITY IMMUNITY FOR AIDING PERSON IN NEED OF DEFIBRILLATION
Summary: Changes the standard for immunity from civil liability under the Cardiac Response Act for persons who render emergency care or treatment by the use of an automated external defibrillator.
Status: 02/11/2015 – Senate Judiciary Committee

Bill: SB243
Sponsors: Ortiz y Pino (D12)
Title: HEALTH CARE INDUSTRY EXEMPTED FROM EMPLOYEE PRIVACY ACT
Summary: (Similar to 2014 SB251) Exempts health care practitioners, health care workers and certain nonprofit corporations from the provisions of the Employee Privacy Act, thereby authorizing them to refuse to hire an individual who is a smoker.
Status: 01/26/2015 – Senate Corporations and Transportation Committee

Bill: SB325
Sponsors: Ingle (R27)
Title: LIMITS NON-COMPETE CONTRACTUAL PROVISIONS FOR HEALTHCARE PRACTITIONERS
Summary: (Similar to 2014 HB76 and SB46; similar to 2013 SB608 and 2013 HB642) Limits enforceability of contractual conditions involving certain healthcare practitioners who are under contract to health businesses. Declares a non-compete provision void, in a contract that restricts the right of a health care professional to provide health care services, upon the termination of the agreement (or extension) or the practitioner's employment with a party seeking to enforce the agreement. Applies to agreements entered into on or after July 1, 2015.
Status: 02/17/2015 – Passed in the Senate

Bill: SB422
Sponsors: Beffort (R19)
Title: PAIN MANAGEMENT REGULATION AND PEER REVIEW
Summary: (Related to 2015 SB24 and 2014 SB186) Imposes requirements on licensing boards and health care practitioners regarding pain management. Amends the Pain Relief Act to require that no later than July 1, 2015, health licensing boards shall adopt rules to implement the act, determine whether the prescriptive practices of its health care practitioner licensees who are authorized to prescribe controlled substances are consistent with the appropriate treatment of pain for patients with substance use disorders. Provides for peer review of opioid prescribers; makes peer review confidential; provides penalties for unauthorized disclosure; makes consent to peer

Status: review a condition of licensure. Makes an appropriation.
02/03/2015 – Senate Public Affairs Committee

Bill: **SM68**
Sponsors: Ortiz y Pino (D12)
Title: HEALTH CARE TRANSITION STUDY FOR SPECIAL NEEDS CHILDREN
Summary: (Identical to HM9) Requests DOH’s Children’s Medical Services Program and UNM’s Center for Development and Disability to convene a task force to study ways to improve the system of health care transition for New Mexico children and youths with special health care needs.
Status: 02/09/2015 – Senate Rules Committee

Clinical Issues

Bill: **HB369**
Sponsors: Cook (R56)
Title: GENETIC ANALYSIS INFORMED CONSENT EXCEPTION
Summary: Existing statute prohibits genetic analysis on a person without first obtaining informed and written consent, with a number of exceptions. The bill adds another exception to consent, thereby authorizing a laboratory to conduct an analysis or test of a specified individual based on a written order from a health care practitioner (or agent).
Status: 02/09/2015 – House Health Committee

Bill: **HB390**
Sponsors: Herrell (R51)
Title: RESTRICTS ACCESS TO ABORTION
Summary: Renames the Partial-Birth Abortion Ban Act as the “Late-Term and Partial-Birth Abortion Ban Act;” prohibits abortion after 20 or more weeks of gestation; provides exceptions and penalties. Also provides that hospital employees and others who object to the practice of abortion may opt out of participating in medical procedures. Also repeals the criminal abortion statute.
Status: 02/09/2015 – House Regulatory and Public Affairs Committee
Scheduled: 02/20/2015—House Regulatory and Public Affairs Committee, 1:30 p.m., Room 315

Bill: **HB391**
Sponsors: Baldonado (R8)
Title: PHYSICIAN REPORTING REQUIREMENTS ON ABORTIONS
Summary: Proposes the Parental Notification of Abortion Act to require notification of a parent or guardian when an abortion is to be performed on a minor. Creates exceptions; requires detailed reporting by physicians; imposes penalties on physicians. Also repeals the criminal abortion statute.
Status: 02/09/2015 – House Regulatory and Public Affairs Committee
Scheduled: 02/20/2015—House Regulatory and Public Affairs Committee, 1:30 p.m., Room 315

Bill: **SB81**
Sponsors: Morales (D28); James (R24)
Title: EMS PRE-HOSPITAL PROTOCOLS FOR STROKE PATIENTS
Summary: Proposes to amend the Public Health Act to provide for new pre-hospitalization protocols for stroke patients and to expand the allowable sources of accreditation for stroke centers.
Status: 02/06/2015 – Senate Corporations and Transportation Committee
Scheduled: 02/18/2015—Senate Corporations and Transportation Committee, 2:00 p.m. or 1/2 hour after floor session ends, Room 311 (Revised 02/17/2015)

Bill: **SB89**
Sponsors: Moores (R21)
Title: UNM APPROPRIATION: BRAIN SAFE PROGRAM
Summary: Appropriates \$3,000,000 (GF) to the Board of Regents of the University of New Mexico for expenditure in FY 2016 for the Brain Safe program for university athletes.
Status: 01/21/2015 – Senate Education Committee

Bill: SB431
Sponsors: Soules (D37)
Title: BRAIN INJURY TRAINING FOR STUDENT ATHLETES
Summary: Requires annual brain injury training for student athletes at the beginning of the academic year or the first participation in school district athletic activities, confirmed by a brain injury training and information form signed by the student athlete and the athlete's parent.
Status: 02/03/2015 – Senate Education Committee
Scheduled: 02/18/2015—Senate Education Committee, 8:30 a.m., Room 311

Bill: SB437
Sponsors: Brandt (R40)
Title: RESTRICTS ACCESS TO SAFE AND LEGAL ABORTION
Summary: Requires a physician performing or inducing an abortion to have physician admitting privileges and to facilitate access to medical records and emergency medical assistance.
Status: 02/03/2015 – Senate Public Affairs Committee

Department of Health - Studies and Funding

Bill: HB84
Sponsors: Trujillo, C. (D25)
Title: FREESTANDING BIRTH CENTER LICENSURE
Summary: Amends the Public Health Act to include freestanding birth centers in the definition of health facilities licensed by the Department of Health, and provides that such a center accredited by the Commission for Accreditation of Birth Centers shall be granted a license renewal based on that accreditation.
Status: 02/09/2015 – House Health Committee

Bill: HB99
Sponsors: Clahchischilliage (R4)
Title: DOH APPROPRIATION: LOCAL COMMUNITY HEALTH NEEDS
Summary: Appropriates \$900,000 (GF) to Department of Health for expenditure in FY 2016 to fund county and tribal health councils' identification of local communities' health needs and development of strategies to address those needs pursuant to the Maternal and Child Health Plan Act.
Status: 02/04/2015 – House Appropriations and Finance Committee

Bill: HB244
Sponsors: Roch (R67)
Title: STATEWIDE EMERGENCY MEDICAL SERVICES FINANCING STUDY
Summary: Provides \$300,000 (GF) to Department of Health, DOH, for use in FY 2016 for a study to be conducted by DOH's Injury Prevention and Emergency Medical Services Bureau within the Public Health Division. The study is to determine how the state can best finance emergency services statewide.
Status: 01/28/2015 – House Health Committee
Scheduled: 02/19/2015—House Health Committee, 8:30 a.m., Room 309

Bill: HB420
Sponsors: Lundstrom (D9)
Title: APPROPRIATION: COORDINATED CANCER SERVICES
Summary: Appropriates \$25,000 (GF) to DOH for expenditure in FY 2016 to provide coordinated cancer prevention, research and education services, including access to clinical trials in rural areas.
Status: 02/12/2015 – House Health Committee

Bill: SB137
Sponsors: Lopez (D11)
Title: PREVENTION OF BIRTHS AMONG ADOLESCENTS
Summary: Provides \$500,000 (GF) to the Department of Health, DOH, for use in FY 2016 to implement statewide comprehensive programming to prevent births among adolescents.
Status: 01/22/2015 – Senate Public Affairs Committee

Bill: SB362
Sponsors: Ivey-Soto (D15); McMillan (R37)
Title: ESSENTIAL HEALTH SERVICES AND DOH FUNCTIONS
Summary: A 63-page bill relating to essential health services and DOH functions; sexually transmitted infections; conditions of public health importance; communicable diseases; isolation and quarantine and school health care oversight.
Status: 02/16/2015 – Senate Judiciary Committee

Bill: SB404
Sponsors: Munoz (D4)
Title: RURAL CLINICAL TRIAL SUPPORT SERVICES FOR CANCER PATIENTS
Summary: Provides \$100,000 (GF) to the Department of Health, DOH, for use in FY 2016 to provide coordinated cancer prevention, research and education services. The authorization includes access to clinical trials in rural areas. DOH is to provide the services through a nonprofit statewide network of health care providers engaged in conducting clinical trials, providing educational services to physicians and patients and coordinating with organizations that provide support services to cancer patients and their families.
Status: 02/02/2015 – Senate Public Affairs Committee

Hospital/Triage Issues & Staffing

Bill: HB81
Sponsors: Trujillo, C. (D25)
Title: PATIENT SAFE STAFFING ACT
Summary: (Identical in substance to 2014 HB83 and SB151) Proposes the Patient Safe Staffing Act in order to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit, and adopt rules. Provides a \$100,000 General Fund appropriation to DOH.
Status: 01/26/2015 – House Regulatory and Public Affairs Committee

Bill: HB139
Sponsors: Salazar, T. (D70)
Title: DESIGNATION AND TRAINING OF AFTER-CARE LAY CAREGIVERS
Summary: Directs hospitals to provide each patient or patient's legal guardian with an opportunity to designate one lay caregiver following the patient's admission and before the patient's discharge. Directs the hospital to consult with a designated lay caregiver to prepare the lay caregiver for aftercare, to provide a discharge plan detailing the patient's aftercare needs, to engage the patient or lay caregiver in the discharge planning process and to educate the lay caregiver in a manner consistent with current accepted practices.
Status: 02/17/2015 – House Business and Employment Committee

Bill: HB212
Sponsors: McMillan (R37); Papen (D38)
Title: REIMBURSEMENT PARITY FOR CRISIS TRIAGE CENTER SERVICES
Summary: Directs Department of Health, to adopt and promulgate rules to establish a reimbursement rate for services provided to recipients of state medical assistance at a crisis triage center that, at a minimum, equals the reimbursement rate for the same services provided at a hospital.
Status: 02/17/2015 – House Appropriations and Finance Committee

Bill: SB117
Sponsors: Rodriguez (D24)
Title: SUNSETS COUNTY OBLIGATION TO SAFETY NET CARE POOL FUND
Summary: (For the Revenue Stabilization and Tax Policy Committee) Sunsets on December 31, 2018, the obligation of counties to pay the state's Safety Net Care Pool Fund annually an amount equal to that raised by a gross receipts tax rate of one-twelfth percent.
Status: 02/09/2015 – Senate Finance Committee

Bill: SB191
Sponsors: Neville (R2)
Title: HSD PAYMENTS TO COUNTY HOSPITALS
Summary: Amends the Indigent Hospital and County Health Care Act to require Human Services Department, HSD, to make quarterly payments for indigent care from the Safety Net Care Pool Fund to qualifying county hospitals. These payments are equal to, or may be in excess of, the county's contribution to the fund for the corresponding quarter—depending on the amount of indigent care provided by a county hospital.
Status: 01/22/2015 – Senate Public Affairs Committee

Bill: SB284
Sponsors: Lopez (D11)
Title: PATIENT SAFE STAFFING ACT
Summary: (Duplicate of HB 81) (Identical in substance to 2014 HB83 and SB151) Proposes the Patient Safe Staffing Act in order to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit, and adopt rules. Provides a \$100,000 General Fund appropriation to DOH.
Status: 01/27/2015 – Senate Public Affairs Committee

Information Systems - Electronic Records

Bill: SB309
Sponsors: Beffort (R19)
Title: HEALTH RECORD INTEROPERABILITY COMMISSION
Summary: Establishes the Health Record Interoperability Commission to convene stakeholders and develop a plan for the interoperability of electronic health records across health care providers statewide.
Status: 01/27/2015 – Senate Public Affairs Committee

Bill: SB323
Sponsors: Moores (R21)
Title: SAFE DISCLOSURE OF HEALTH INFORMATION
Summary: Proposes to amend sections of the Health Information System Act to provide for the safe disclosure of information related to specifically identifiable data sources; proposes a new section of the act to establish a Health Information System Advisory Committee.
Status: 01/27/2015 – Senate Public Affairs Committee
Scheduled: 02/19/2015—Senate Public Affairs Committee, 1/2 hour after floor session, Room 321

Bill: SB474
Sponsors: Ortiz y Pino (D12)
Title: SAFE DISCLOSURE OF HEALTH INFORMATION
Summary: (Virtually identical to SB323) Proposes to amend sections of the Health Information System Act to provide for the safe disclosure of information related to specifically identifiable data sources; proposes a new section of the act to establish a Health Information System Advisory Committee.
Status: 02/05/2015 – Senate Public Affairs Committee
Scheduled: 02/19/2015—Senate Public Affairs Committee, 1/2 hour after floor session, Room 321

Insurance & Payments

Bill: HB17
Sponsors: McCamley (D33)
Title: ESTABLISHES HEALTH CARE COVERAGE ID CARD REQUIREMENTS
Summary: Proposes new sections of the Health Care Purchasing Act, the Health Care Maintenance Organization Law, the New Mexico Insurance Code and the Nonprofit Health Care Plan Law to establish health care coverage ID card requirements.
Status: 02/16/2015 – Passed in the House

Bill: HB224
Sponsors: Madalena (D65)
Title: PROVIDES PARITY BETWEEN BEHAVIORAL HEALTH AND OTHER HEALTH BENEFITS
Summary: Proposes new sections of the Health Care Purchasing Act, the Health Care Maintenance Organization Law and the Nonprofit Health Care Plan Law to provide for parity between behavioral health benefits and other benefits. Also adds certain behavioral health benefits to the provisions of the Health Insurance Portability Act.
Status: 01/28/2015 – House Health Committee
Scheduled: 02/19/2015—House Health Committee, 8:30 a.m., Room 309

Bill: HB258
Sponsors: Garcia, Miguel (D14)
Title: PATIENT FREEDOM OF CHOICE TO INCLUDE MENTAL HEALTH PROFESSIONALS
Summary: (Similar to 2013's HB208) Amends the Insurance Code, under the Freedom of Choice section, to include a licensed professional mental health counselor or therapist among the list of practitioners that an insured person has the right and freedom to choose for

treatment of an illness or injury. That right shall not be restricted under any new policy of health insurance, contract or health care plan.

Status: 01/29/2015 – House Regulatory and Public Affairs Committee

Bill: **HB388**

Sponsors: McMillan (R37)

Title: COST SHARING LIMITS FOR REHABILITATION SERVICES

Summary: (Identical to SB359) Proposes new sections of the Health Care Purchasing Act, the New Mexico Insurance Code, the Health Care Maintenance Organization Law and the Nonprofit Health Care Plan Law to establish limits on cost sharing for physical rehabilitation services.

Status: 02/09/2015 – House Health Committee

Bill: **SB3**

Sponsors: Leavell (R41); Larranaga (R27)

Title: INSURANCE NOMINATING COMMITTEE AND SUPERINTENDENT CHANGES

Summary: Provides for the compensation of the State Insurance Superintendent to be established by the Insurance Nominating Committee, instead of by the Legislature in the Appropriations Act, at the beginning of each term and annually thereafter.

Status: 02/03/2015 – Senate Finance Committee

Bill: **SB12**

Sponsors: Candelaria (D26)

Title: REQUIRES GROUP INSURANCE COVERAGE TO COMBAT OBESITY

Summary: (For the Legislative Health and Human Services Committee) (Identical to SB64 2014, except for effective date; related to SJM10) Proposes a new section of the Health Care Purchasing Act to require that beginning on January 1, 2016, all group health coverage (including any form of self-insurance) that is offered, issued or renewed under the Health Care Purchasing Act must provide coverage for obesity prevention and screening as well as for interventions to promote weight reductions and treat obesity.

Status: 02/02/2015 – Senate Corporations and Transportation Committee

Bill: **SB152**

Sponsors: Morales (D28)

Title: HEALTH SECURITY ACT

Summary: (Similar to 2013 HB262) Proposes the Health Security Act to make health care coverage available to all New Mexicans through a combination of public and private financing. Participation is mandatory for holders of private insurance. Seeks to control escalating health care costs and improve health care for all New Mexicans. The act creates a Health Care Commission, charged with developing and adopting a plan to provide for certain preventive health care to be offered to all New Mexicans, regardless of a person's eligibility to participate as a beneficiary. An individual is eligible for coverage if physically present in the state for one year prior to the date of application for enrollment. Private insurance may not be provided to a beneficiary for health care that is covered by the plan; however, a beneficiary may purchase private, supplemental benefits and insurance for benefits not covered under the plan. Appropriates \$250,000 (GF) to the Legislative Finance Committee for expenditure in FY 2016 to undertake fiscal analysis required pursuant to the act.

Status: 02/11/2015 – Senate Judiciary Committee

Bill: **SB190**

Sponsors: Papen (D38); Sapien (D9)

Title: HEALTH INSURANCE: PROHIBITED DISCRIMINATION

Summary: (For the Legislative Health and Human Services Committee) (Substantially similar to 2011 HB 334 and SB 339) Provides that group and individual health care coverage issued the Health Care Purchasing Act, the Insurance Code the Health Maintenance Organization Law, and the Nonprofit Health Care Plan Law shall not discriminate with respect to the participation or reimbursement of any health care provider who acts within his or her scope of practice.

Status: 01/22/2015 – Senate Public Affairs Committee

Bill: **SB359**

Sponsors: O'Neill (D13)

Title: LIMITS ON COST SHARING FOR PHYSICAL REHABILITATION SERVICES

Summary: Establishes limits on cost sharing for physical rehabilitation services. Provides that insurance coverage of physical rehabilitation services shall not impose a copayment or coinsurance on physical rehabilitation services that exceed the lesser of (1) the copayment or coinsurance imposed for specialist services; or (2) 120% of the copayment or coinsurance imposed for primary care services.

Status: 01/29/2015 – Senate Public Affairs Committee

Bill: SB475
Sponsors: Moores (R21)
Title: HEALTH CARE SHARING MINISTRIES NOT INSURERS
Summary: Defines a “health care sharing ministry” and provides that such an entity shall not be considered to be engaged in the business of insurance for purposes of the Insurance Code.
Status: 02/05/2015 – Senate Corporations and Transportation Committee

Bill: SB517
Sponsors: Candelaria (D26)
Title: HEALTH INSURANCE: PROVIDES FOR INTERNAL APPEALS OF ADVERSE DETERMINATIONS
Summary: Proposes new sections of the Health Maintenance Organization Law and the Patient Protection Act to provide for internal appeals of adverse determinations.
Status: 02/09/2015 – Senate Corporations and Transportation Committee
Scheduled: 02/18/2015—Senate Corporations and Transportation Committee, 2:00 p.m. or 1/2 hour after floor session ends, Room 311 (Revised 02/17/2015)

Liability

Bill: HB171
Sponsors: Herrell (R51)
Title: ESTABLISHED CONDITIONS FOR BIRTHING WORKFORCE RETENTION FUND AWARDS
Summary: Proposes to amend the Medical Malpractice Act to establish certain conditions for awards from the Birthing Workforce Retention Fund. The fund provides malpractice assistance insurance premium assistance for certified nurse-midwives and physicians whose insurance premium costs jeopardize their ability to continue their obstetrics practice in the state.
Status: 02/17/2015 – House Judiciary Committee

Bill: HB350
Sponsors: Gentry (R30)
Title: TORT CLAIMS ACT APPLICATION TO HEALTH CARE PRACTITIONERS SERVING JAILS
Summary: Extends the application of the tort claims act by adding to the definition of public employee those licensed medical, psychological or dental arts practitioners who provide to a local public body contracted services that pertain to a person held in a jail or detention facility under the local public body’s jurisdiction.
Status: 02/05/2015 – House Safety and Civil Affairs Committee

Medicaid

Bill: SB42
Sponsors: Ortiz y Pino (D12)
Title: MEDICAID FOR CERTAIN INCARCERATED PERSONS
Summary: (For the Legislative and Human Services Committee and the Courts, Corrections and Justice Committee) Directs the Secretary of Human Services to adopt and promulgate rules to provide continued Medicaid enrollment to eligible, incarcerated individuals.
Status: 02/09/2015 – Senate Judiciary Committee
Scheduled: 02/18/2015—Senate Judiciary Committee, 2:00 p.m. or 1/2 hour after session, Room 321

Bill: SB55
Sponsors: Papen (D38)
Title: CLARIFY DEFINITION OF MEDICAID FRAUD
Summary: (For the Courts, Corrections and Justice Committee and the Legislative Health and Human Services Committee) (Similar to 2014 SB33) Changes the definition of Medicaid fraud; defines “overpayment” and “credible allegation of fraud;” establishes rights and remedies of Medicaid providers and subcontractors for alleged overpayments or credible allegation of fraud; and provides for judicial review, injunctive relief, attorney fees and witness fees.
Status: 02/13/2015 – Senate Judiciary Committee

Bill: SB305
Sponsors: Beffort (R19)
Title: THREE-DIMENSIONAL MAMMOGRAMS FOR MEDICAID- AND CANCER-SCREENING-ELIGIBLE WOMEN

Summary: Provides \$1 million from the Tobacco Settlement Program Fund to the Department of Health, DOH, for use in FY 2016 to buy three-dimensional mammography equipment for mammography services to women who are eligible for Medicaid or the breast and cervical cancer screening program. The funds may also be used for outreach and education, or to contract with a third party to provide outreach and education concerning three-dimensional mammography.

Status: 01/27/2015 – Senate Public Affairs Committee

Bill: **SB451**
Sponsors: Ortiz y Pino (D12)
Title: MEDICAID DENTAL HEALTH CARE PILOT PROJECT
Summary: Proposes a year-long dental health care pilot project in the counties of Catron, Grant, Sierra, Otero, Dona Ana, Luna and Hidalgo to begin on January 1, 2017. Dental health care coverage provided through the pilot project shall replace any coverage offered through the existing Medicaid state plan or waiver.
Status: 02/04/2015 – Senate Public Affairs Committee

Pain Management/Controlled Substances

Bill: **HB215**
Sponsors: Trujillo, J. (D45)
Title: DWI GRANT FUND: SUBSTANCE ABUSE TREATMENT
Summary: Broadens use of the Local DWI Grant Fund to include treatment for substance abuse and drug detoxification programs.
Status: 01/28/2015 – House Safety and Civil Affairs Committee

Bill: **HB294**
Sponsors: Espinoza (R59)
Title: RECLASSIFYING DIHYDROCODEINONE AS A SCHEDULE II RATHER THAN A SCHEDULE III DRUG
Summary: Reclassifies dihydrocodeinone in the following quantities and concentrations as a Schedule II drug – one with a high potential for abuse potentially leading to severe psychological or physical dependence – rather than as a Schedule III drug – one with a moderate to low potential for physical and psychological dependence.
Status: 02/16/2015 – House Judiciary Committee

Bill: **SB22**
Sponsors: Padilla (D14)
Title: DRUG OVERPRESCRIBING HOTLINE
Summary: Appropriates \$250,000 to the Board of Pharmacy for FY 2016 to develop and implement this program to establish a program to address the overprescribing of controlled substances, which program shall include a 24-hour telephone hotline and a publicly accessible internet website to receive reports of suspected overprescribing. The board shall establish rules and procedures for the investigation of reports and for collaboration with licensing boards to discipline practitioners who violate professional standards.
Status: 01/21/2015 – Senate Public Affairs Committee

Bill: **SB24**
Sponsors: Padilla (D14)
Title: APPROPRIATION: UNM PAIN MANAGEMENT CENTER
Summary: Appropriates \$1,100,000 (GF) to the Board of Regents of the University of New Mexico for expenditure in FY 2016 to support the UNM Pain Management Center.
Status: 02/02/2015 – Senate Education Committee

Bill: **SB40**
Sponsors: Ortiz y Pino (D12)
Title: APPROPRIATION: ADOLESCENT TRANSITIONAL LIVING AND RECOVERY SERVICES
Summary: (For the Legislative Health and Human Services Committee) Appropriates \$1,024,000 (GF) to CYFD for expenditure in FY 2015 through FY 2020 to contract with a Bernalillo County nonprofit organization for transitional living and recovery services for adolescents statewide.
Status: 02/02/2015 – Senate Finance Committee

Bill: **SB154**
Sponsors: Beffort (R19)
Title: BEHAVIORAL HEALTH PRIMARY CARE, COMMUNITY WORK FORCE TRAINING
Summary: (For the Legislative Health and Human Services Committee) Appropriates \$12,000,000 (GF) to the UNM Board of Regents for NMMS Legislative Update
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expenditure in FYs 2015 through 2020 to expand access to behavioral health and substance use disorder treatment through training and support of the primary care work force in 20 community clinics. (2/10/15 SPAC reduced funding to \$1 million for training in clinics with greatest need.)

Status: 02/11/2015 – Senate Finance Committee

Bill: **SJM23**

Sponsors: Padilla (D14)

Title: UNUSED PRESCRIPTION DRUG RECOVERY WORKING GROUP

Summary: Requests that the Prescription Drug Misuse and Overdoes Prevention and Pain Management Advisory Council convene a Prescription Drug Recovery Task Force to study the opportunities and challenges that new federal regulations afford for local unused prescription drug recovery, to remove the threat that unused prescription drugs will end up in the wrong hands.

Status: 02/16/2015 – Senate Rules Committee

Pharmacy Matters

Bill: **HB273**

Sponsors: Armstrong (D17)

Title: PROVIDES PARITY BETWEEN MAIL-ORDER AND COMMUNITY PHARMACIES

Summary: Proposes new sections of the Health Care Purchasing Act, the Public Assistance Act, the Insurance Code, the Health Care Maintenance Organization Law and the Nonprofit Health Care Plan Law to provide enrollees with parity of access between participating mail-order pharmacies and participating community pharmacies.

Status: 01/29/2015 – House Health Committee

Scheduled: 02/19/2015—House Health Committee, 8:30 a.m., Room 309

Bill: **HB274**

Sponsors: Armstrong (D17)

Title: SYNCHRONIZATION OF PRESCRIPTIONS

Summary: Proposes new sections of the Health Care Purchasing Act, the Public Assistance Act, the Insurance Code, the Health Maintenance Organization Law and the Nonprofit Health Care Plan Law to allow synchronization of prescriptions.

Status: 02/16/2015 – House Health Committee

Bill: **SB21**

Sponsors: Padilla (D14)

Title: COLLECTION AND DISPOSAL OF UNUSED DANGEROUS DRUGS

Summary: Provides a new section of the Pharmacy Act to regulate the Dangerous Drug Take-Back Program.

Status: 01/21/2015 – Senate Public Affairs Committee

Regulations/Licensing/Legislative Cmts

Bill: **HB384**

Sponsors: Armstrong (D17)

Title: PRESCRIPTIVE AUTHORITY RULES AND OVERSIGHT

Summary: (Related to 2014 SB166 and 2015 SB367) Amends the Pharmacist Prescriptive Authority Act to vest licensed and practicing osteopathic physicians with the same authority and responsibilities as a physician licensed under the Medical Practice Act in prescribing controlled substances. The prescriptive authority granted to a pharmacist clinician by the osteopathic physician must be within the scope of the osteopathic practitioner's current practice.

Status: 02/16/2015 – House Health Committee

Bill: **HB398**

Sponsors: Montoya (R1)

Title: OSTEOPATHIC MEDICINE ACT

Summary: A 37-page bill that renames Sec. 61-10 as the "Osteopathic Medicine Act;" repeals the Osteopathic Physicians' Assistants Act and adds provisions relating to osteopathic physician assistants to the Osteopathic Medicine Act; creates a board of osteopathic medicine; and revises provisions relating to board duties and licensure for osteopathic physicians, osteopathic physician assistants and pharmacist clinicians.

Status: 02/11/2015 – House Regulatory and Public Affairs Committee

Bill: **HB443**

Sponsors: Herrell (R51)

Title: TEMPORARY HEALTH PRACTITIONER LICENSURE FOR SERVICES TO THE UNDERSERVED

Summary: Creates temporary licensure for a practitioner licensed and in good standing in another jurisdiction who wishes to provide free health care or veterinary services for the underserved of New Mexico.

Status: 02/16/2015 – House Agriculture, Water and Wildlife Committee

Bill: **SB41**

Sponsors: Ortiz y Pino (D12)

Title: LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE POWERS AND STAFF

Summary: (For the Legislative Health and Human Services Committee) Authorizes the Legislative Health and Human Services Committee to operate as a permanent, year-round committee and appropriates \$200,000 (GF) for use in FY2016 for the Legislative Council Service to provide the committee with expert, permanent, year-round staff assigned exclusively to committee duties.

Status: 02/05/2015 – Senate Judiciary Committee

Bill: **SB220**

Sponsors: Pirtle (R32)

Title: ESTABLISHED HEALTH CARE PROVIDER CREDENTIALING REQUIREMENTS

Summary: Proposes new and amended sections of the Health Maintenance Organization Law to define “credentialing” and to establish provider credentialing requirements. Also includes definitions for “pharmacist” and “pharmacist clinician.”

Status: 02/05/2015 – Senate Judiciary Committee

Scheduled: 02/18/2015—Senate Judiciary Committee, 2:00 p.m. or 1/2 hour after session, Room 321

Scope of Practice & Health Professionals

Bill: **HB54**

Sponsors: Espinoza (R59)

Title: ANESTHESIOLOGIST ASSISTANTS ACT CHANGES

Summary: Provides that anesthesiologists and anesthesiologist assistants may practice in New Mexico outside the employment of the Department of Anesthesiology at the UNM Medical School.

Status: 02/16/2015 – Passed in the House

Bill: **HB349**

Sponsors: Roch (R67)

Title: DENTAL THERAPY LICENSURE AND PRACTICE

Summary: (Substantially identical to HB0349) (Related to 2013 HB17 and SB567 as well as 2011 HB495) Revises the Dental Health Care Act and other pertinent statutes to provide for the licensing, regulation and scope of practice of dental therapy, a new category of dental health care service.

Status: 02/05/2015 – House Regulatory and Public Affairs Committee

Scheduled: 02/18/2015—House Regulatory and Public Affairs Committee, 1:30 p.m., Room 315 (Revised 02/13/2015)

Bill: **SB6**

Sponsors: Shendo (D22); Roch (R67)

Title: DENTAL THERAPY LICENSURE AND PRACTICE

Summary: (For the Legislative Health and Human Services Committee and the Indian Affairs Committee) (Related to 2013 HB17 and SB567 as well as 2011 HB495) Revises the Dental Health Care Act and other pertinent statutes to provide for the licensing, regulation and scope of practice of dental therapy, a new category of dental health care service.

Status: 01/21/2015 – Senate Corporations and Transportation Committee

Bill: **SB51**

Sponsors: Leavell (R41)

Title: WORKERS' COMP INTRASTATE AIR AMBULANCE FEE SCHEDULE

Summary: Adds Health Department-certified intrastate air ambulance services to the definition of health care provider in the Workers' Compensation Act. Provides that these services are subject to utilization review under the act. Provides that the Workers' Compensation director will establish a fee schedule for services and that the maximum reasonable fee charged by a service provider will not exceed those in that schedule.

Status: 01/21/2015 – Senate Corporations and Transportation Committee

Bill: **SB194**

Sponsors: Ivey-Soto (D15)

Title: STATE-AGENCY RULE ADOPTION CHANGES; RULES SUBJECT TO LEGISLATIVE REVIEW

Summary: Contains requirements for proposing, adopting, amending or repealing rules. Applies to all executive branch agencies, boards, commissions, departments, institutions or officers. Proposed rules are subject to legislative review. Includes updates to accommodate the electronic transfer and posting of notices and rule publication.

Status: 02/17/2015 – Senate Calendar

Scheduled: 02/18/2015—Senate Calendar, 10:45 a.m., Senate Chambers

Bill: **SB200**

Sponsors: Sanchez, C. (D30)

Title: SPEECH AND HEARING PROFESSIONS LICENSING

Summary: (Related to 2015 HM3 and HM4; 2014 HJM1, HJM2, SJM1 and SJM2;) Clarifies the definition and use of certain terms in the Speech and Hearing Professions Licensing Act; provides for a bilingual-multicultural license endorsement.

Status: 02/13/2015 – Senate Judiciary Committee

Bill: **SB299**

Sponsors: Morales (D28)

Title: ADVANCED PRACTICE RNS, CERTIFIED NURSE-MIDWIVES, PHYSICIAN ASSISTANTS

Summary: (An expanded version of 2013 HB414) Updates sections of existing statutes to authorize advanced practice registered nurses, certified nurse-midwives and physician assistants to approve certain certificates and perform other duties now required of physicians. State and local government agencies must conform rules to the expanded scope of the health care practitioners' practice.

Status: 02/16/2015 – Senate Judiciary Committee

Bill: **SB367**

Sponsors: Sanchez, M. (D29)

Title: INCREASES OPTOMETRISTS' PRESCRIBING POWERS

Summary: Provides greater prescribing powers to optometrists and clarifies the powers of the Optometry Board.

Scheduled: 02/20/2015 – Senate Public Affairs, Room 326, ½ hour after the Session

Bill: **SB376**

Sponsors: McSorley (D16)

Title: PROVIDES FOR CERTIFICATION OF ADVANCED PRACTICE CHIROPRACTIC PHYSICIANS

Summary: (Very similar to 2014 SB 329) Refines definitions and requirements related to chiropractic practice and adds a requirement that at least one member of the chiropractic board be a Level One or Level Two Certified Advanced Practice Chiropractic Physician.

Status: 01/29/2015 – Senate Public Affairs Committee

Bill: **SB571**

Sponsors: Shendo (D22)

Title: PHYSICAL THERAPY ACT CHANGES

Summary: Provides that a physical therapist is a licensed health care provider conducting the practice of physical therapy and is fully responsible for managing all aspects of the physical therapy care of each patient served.

Status: 02/16/2015 – Senate Public Affairs Committee

Studies & Memorials

Bill: **SJM2**

Sponsors: Candelaria (D26)

Title: HEALTH CARE COVERAGE INNOVATION WAIVER WORKING GROUP CREATION REQUEST

Summary: (For the interim Legislative Health and Human Services Committee) Requests the Superintendent of Insurance to convene an innovation waiver working group to make recommendations on applying for a innovation waiver under the federal Affordable Care Act, and the creation of a comprehensive, sustainable health care system.

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Status: 02/05/2015 – Senate Public Affairs Committee

Taxes & Money Matters

Bill: HB18
Sponsors: McCamley (D33)
Title: PHASE OUT CERTAIN GRT TAX DEDUCTIONS AND EXEMPTIONS
Summary: (Nearly identical to 2014's HB131 and SB29) Phases in effective termination of 38 sections of the Gross Receipts and Compensating Tax Act providing deductions and exemptions (some sections offer more than one exemption or deduction) on July 1, 2024, July 1, 2025 or July 1, 2029. Requires itemization of certain deductions and exemptions. Provides a \$500,000 (GF) appropriation to Taxation and Revenue Department.
Status: 01/30/2015 – House Energy, Environment and Natural Resources Committee

Bill: HB21
Sponsors: Roybal-Caballero (D13)
Title: PHASED-IN SUPPLEMENTAL PERSONAL INCOME TAX
Summary: (Conceptually identical to 2014 HB168) Beginning with taxable year 2015, the personal income tax is augmented by a phased-in income tax supplemental tax on higher-income taxpayers.
Status: 01/22/2015 – House Regulatory and Public Affairs Committee

Bill: HB110
Sponsors: McCamley (D33)
Title: PERSONAL INCOME TAX RATE CHANGES
Summary: Adds a new 5.9 percent bracket to the top of existing personal income tax rate tables but lowers the rates for all existing brackets, effective with the 2015 taxable year.
Status: 01/26/2015 – House Regulatory and Public Affairs Committee

Bill: HB137
Sponsors: Garcia, Miguel (D14)
Title: CHANGES PERSONAL INCOME TAX RATES
Summary: (Similar to HB110) Adds two new brackets (6 percent and 7.1 percent) to the top of existing personal income tax rate tables but lowers the rates for all existing brackets, effective with the 2015 taxable year.
Status: 01/26/2015 – House Regulatory and Public Affairs Committee

Bill: HB351
Sponsors: McMillan (R37)
Title: DEDUCTION FOR MEDICAL CARE EXPENSES
Summary: Taxpayer may deduct on the New Mexico tax return a percentage of the year's medical care expenses not reimbursed or compensated for by insurance or otherwise or included in the taxpayer's itemized deductions.
Status: 02/09/2015 – House Health Committee

Bill: SB101
Sponsors: Neville (R2)
Title: STATE GROSS RECEIPTS AND HOLD HARMLESS TAX CHANGES
Summary: SCORC substitute for SB101, like the original bill, reduces the gross receipts tax from five and one-eighth percent to four and seven-eighths percent.
Status: 02/12/2015 – Senate Finance Committee

Bill: SB117
Sponsors: Rodriguez (D24)
Title: SUNSETS COUNTY OBLIGATION TO SAFETY NET CARE POOL FUND
Summary: (For the Revenue Stabilization and Tax Policy Committee) Sunsets on December 31, 2018, the obligation of counties to pay the state's Safety Net Care Pool Fund annually an amount equal to that raised by a gross receipts tax rate of one-twelfth percent.
Status: 02/09/2015 – Senate Finance Committee

Bill: SB266
Sponsors: Munoz (D4)

Title: EXCLUDING CERTAIN COUNTIES FROM REDUCTION IN HOLD HARMLESS DISTRIBUTIONS
Summary: (Related to 2014 HB155 & SB171) Allows the hold harmless distribution to a county to continue undiminished if the county's grosreceipts tax base grows on average less than 11.7% annually from July 1, 2014. Defines the tax base as all taxable items other than those deductible under Section 7-9-92 ("food stamp" food) and 7-9-93 (certain medical services and products).
Status: 01/27/2015 – Senate Corporations and Transportation Committee
Scheduled: 02/18/2015—Senate Corporations and Transportation Committee, 2:00 p.m. or 1/2 hour after floor session ends, Room 311 (Revised 02/17/2015)

Bill: SB274
Sponsors: Smith (D35)
Title: REPEALS FOOD HOLD HARMLESS DISTRIBUTION; APPLIES LOCAL OPTION TAXES TO FOOD
Summary: Proposes a complex bill to eliminate the food hold harmless distribution to municipalities and counties, allow municipalities and counties to impose local option taxes on retail food sales, increase the working family personal income tax credit, cut the state gross receipts tax from 5.125% to 5% and repeal currently authorized municipal and county local option hold harmless gross receipts taxes.
Status: 01/27/2015 – Senate Corporations and Transportation Committee

Bill: SB555
Sponsors: Munoz (D4)
Title: EXCEPTIONS TO HOLD HARMLESS DISTRIBUTION REDUCTIONS
Summary: Starting with fiscal year 2017, halts the hold harmless distribution (in lieu of revenues from state and local gross receipts taxes on retail sale of food and certain medical goods and services) to a municipality or county if the municipality or county meets certain criteria (appears intended for Gallup and McKinley County, but may affect others).
Status: 02/12/2015 – Senate Corporations and Transportation Committee

Tobacco/Nicotine/E-Cigarettes

Bill: HB42
Sponsors: Youngblood (R68)
Title: TOBACCO PRODUCTS AND E-CIGARETTE ACT
Summary: (For the Tobacco Settlement Revenue Oversight Committee) (Similar to 2014 HB 15, as amended) Expands and renames the existing Tobacco Products Act to include e-cigarettes within the Tobacco Products and E-Cigarette Act. Prohibits the sale of e-cigarettes to minors in person or via the internet; specifies ID requirements and penalties.
Status: 02/16/2015 – House Calendar
Scheduled: 02/18/2015—House Calendar, 10:30 a.m., House Chamber

Bill: HB148
Sponsors: Steinborn (D35); Wirth (D25)
Title: MOTOR VEHICLES: NO SMOKING WHEN MINOR PRESENT
Summary: HHC substitute for HB148 expands the prohibition from smoking an e-cigarette in a motor vehicle when a child is present to smoking any electronic smoking device in a motor vehicle when a child is present. Defines "electronic smoking device" as any product regardless of name that contains or delivers nicotine or any other substance intended for human consumption for smoking through inhalation of vapor or aerosol from the product. Also broadens the definition of "smoking" to include, among other things, using any oral smoking device for the purpose of circumventing the prohibition of smoking established by this 2015 act.
Status: 02/17/2015 – House Judiciary Committee

Bill: HB213
Sponsors: Maestas Barnes (R15)
Title: NICOTINE LIQUID: CHILD-RESISTANT PACKAGING
Summary: Prohibits the sale of nicotine liquid (used in e-cigarettes) unless it is contained in child-resistant packaging. Authorizes the Attorney General to institute a district court civil action for a violation, or to prevent a violation. Relief may include an injunction, restraining order or civil penalty of up to \$1,000 per violation.
Status: 02/11/2015 – House Calendar
Scheduled: 02/18/2015—House Calendar, 10:30 a.m., House Chamber

Bill: SB65
Sponsors: McSorley (D16)

Title: REGULATION AND LABELING OF NICOTENE PRODUCTS
Summary: (For the Tobacco Settlement Revenue Oversight Committee) Amends and re-names the Tobacco Products Tax Act to tax e-cigarettes at the rate of four cents per milligram of nicotine contained in their nicotine products.
Status: 01/21/2015 – Senate Corporations and Transportation Committee
Scheduled: 02/18/2015—Senate Corporations and Transportation Committee, 2:00 p.m. or 1/2 hour after floor session ends, Room 311 (Revised 02/17/2015)

Bill: SB433
Sponsors: Ryan (R10)
Title: E-CIGARETTE REGULATION
Summary: (Similar to 2015 HB42, SB360, and 2014 HB15, as amended) Expands and renames the existing Tobacco Products Act to include e-cigarettes within the renamed Tobacco Products and E-Cigarette Act. Prohibits the sale of e-cigarettes to minors in person or via the internet; specifies ID requirements and provides for penalties.
Status: 02/03/2015 – Senate Public Affairs Committee

WorkForce - Recruit, Retention, Training

Bill: SB35
Sponsors: Padilla (D14)
Title: DENTAL STUDENTS IN WICHE PROGRAM
Summary: (For the Legislative Health and Human Services Committee) Appropriates \$400,000 (GF) to the Higher Education Department for expenditure in FY 2016 to increase the number of dental students who participate in the Western Interstate Commission for Higher Education program.
Status: 01/21/2015 – Senate Education Committee

Bill: SB155
Sponsors: Beffort (R19)
Title: MEDICAL, DENTAL AND BEHAVIORAL HEALTH RECRUITS
Summary: Provides \$300,000 (GF) to the Department of Health, DOH, for FY 2016 to fund the health professional recruitment efforts of DOH, including efforts to recruit primary care medical and dental health care professionals, and behavioral health care professionals.
Status: 02/04/2015 – Senate Finance Committee

Bill: SB385
Sponsors: Ortiz y Pino (D12)
Title: HIGHLANDS UNIVERSITY STUDENT PREPARATION FOR MEDICAL SCHOOL
Summary: Provides \$100,000 (GF) to New Mexico Highlands University's board of regents for use in FY 2016 to establish a demonstration and research program to prepare undergraduate students from small universities for successful entry into medical school or other related health fields.
Status: 01/29/2015 – Senate Education Committee